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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,542	10/16/2003	Alan Phillips	JK01474	7747

28268 7590 09/18/2007  
THE BLACK & DECKER CORPORATION  
701 EAST JOPPA ROAD, TW199  
TOWSON, MD 21286

EXAMINER
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LANDRUM, EDWARD F

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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09/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/687,542	Applicant(s) PHILLIPS ET AL.	
	Examiner Edward F. Landrum	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-11, 13-19, 21 and 22 is/are pending in the application.  
4a) Of the above claim(s) 3-6 and 13-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 7 and 9 is/are allowed.
- 6) ☒ Claim(s) 11, 17, 19, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/20/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Barth et al (4,955,744), hereinafter Barth.

Barth discloses a blade clamp assembly as claimed, including: means for engaging (32) the blade (15) to hold the blade on the arbor (10); and a means for clamping (including clamping nut 17 and gears 31, 37, 38) the blade engaging means against the blade, the clamping means including means for transmitting (including planetary gear system 31, 37, 38) torque applied to the clamping means to the blade engaging means; wherein the blade engaging means and the clamping means include keyed means for engaging (abutting keyed surfaces or ring gear (40) and planetary gears 37 and 38); and wherein the torque transmitting means multiplies the torque transmitted to the blade engaging means so that the torque transmitted to the blade engaging means is greater than the torque applied to the clamping means.

### ***Claim Rejections - 35 USC § 103***

3. Claims 11, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth in view Kanaan et al (5,947,671), hereinafter Kanaan.

Barth discloses a blade clamp assembly substantially as claimed, including: a motor; an arbor (10) rotated by the motor for supporting a rotary blade (15); and a blade clamp assembly including a blade washer (32), a planetary gear system (31, 37, 38), a body (39); a threaded bolt (13), a carrier (17), a cap (22), and a ring gear (teeth 40). Furthermore, the clamp assembly has a rotational axis.

Barth teaches all of the elements of the current invention as stated above except for a lever movable from a first position to a second position and positions on the rotational axis.

Kanaan discloses (Col. 7, lines 7-23; Figure 5) a blade clamp assembly wherein a lever 30) is employed to further increase torque in an effective and ergonomic manner. The lever is positioned on the rotational axis of the blade clamp assembly and is movable between first and second positions where in the second position the lever extends outwardly from the clamp.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lever, as taught by Kanaan, on the Barth device for the purpose of further increasing torque in an effective and ergonomic manner, while also allowing the lever to be locked out of the way when not in use to prevent a user from accidentally loosening the clamping assembly during use.

If applicant argues that the lever (30) of Kanaan is not located on the axis of rotation of the clamping assembly it would have been an obvious matter of design choice to do so, since applicant has not disclosed that having the lever attach to the clamping assembly on the rotational axis of the clamping assembly solves any stated

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problem or is for any particular purpose and it appears that the lever would perform equally well at providing a means for a user to grasp and clamp the clamping assembly when attached to any part of the clamping assembly that permits rotation of the clamping assembly.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barth as applied to claim 21 above, and further in view of Kanaan.

Barth discloses a blade clamping assembly substantially as claimed, but fails to disclose a lever.

However, Kanaan discloses a blade clamp assembly wherein a lever (such as 34) is employed to further increase torque in an effective and ergonomic manner.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lever, as taught by Kanaan, on the Barth device for the purpose of further increasing torque in an effective and ergonomic manner.

***Allowable Subject Matter***

5. Claims 1, 2, 7, 9, and 10 are allowed.

6. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

The Planetary gears of Barth can be included in applicant's claimed clamping means and therefore there is a keyed connection between the clamping means and the blade engaging means.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the notice of references cited for any pertinent prior art.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

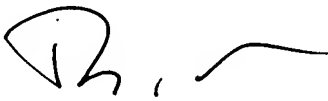
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL  
9/7/2007



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER